

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PAIGE CARTER, Special
Administrator of the ESTATE OF
KEVIN C. CARTER, Deceased,**

Plaintiff,

v.

**SCOTT FRAKES, Former Director
of the Nebraska Department of
Correctional Services, in his
individual capacity, et al.,**

Defendants.

Case No: 8:23-cv-485

**MOTION TO WITHDRAW AS
COUNSEL OF RECORD**

COMES NOW, Erik W. Fern, Assistant Attorney General, and hereby informs the Court that counsel of record, Joe Messineo, is no longer with the Nebraska Attorney General's Office. Defendants request that Mr. Messineo be withdrawn as counsel for Defendants. The undersigned will remain as counsel of record for Defendants in the interim until new counsel enters his or her appearance.

DATED this 9th day of October 2024.

**SCOTT FRAKES, MICHELE WILHELM,
DR. HARBANS DEOL, KIMBERLY
McGILL, MICHAEL MCCANN,
DOUGLAS HEMINGER, JEFFERY
REED, MATT HECKMAN, FRANKLIN
HOWARD, SHELBY BARRAGAN-
LOPEZ, and CHARISE TALLEY, each in
his or her individual capacity,
Defendants.**

By: MICHAEL T. HILGERS, #24483
Nebraska Attorney General

By: /s/ Erik W. Fern
Erik W. Fern, #23733
Assistant Attorney General

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erik.fern@nebraska.gov
Attorney for Defendants.

CERTIFICATE OF SERVICE

I certify that on the 9th day of October 2024, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska using the CM/ECF system, causing notice of such filing to be served upon all counsel of record.

By: s/ Erik W. Fern
Erik W. Fern, #23733
Assistant Attorney General